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*Plaintiffs' Counsel*

**UNITED STATES DISTRICT COURT**

## **NORTHERN DISTRICT OF CALIFORNIA**

## **SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER  
LITIGATION

Case No. 3:18-cv-01586-JSC

This Document Relates to:  
Case No. 3:18-cv-01586  
(A.B., C.D., E.F., G.H., and I.J.)

**DECLARATION OF AMY M. ZEMAN IN  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

1 I, Amy M. Zeman, declare as follows:

2 1. I am a partner at the law firm Gibbs Law Group LLP, counsel for plaintiffs in the above-  
 3 captioned action. I submit this declaration in accordance with Civil Local Rule 79-5 in support of  
 4 Plaintiffs' Administrative Motion to Seal the following documents or portions thereof:

- 5 ➤ Portions of Plaintiffs' Opposition to Chart's Motions to Exclude Kasbekar, Wininger  
 6 and Grill;
- 7 ➤ Portions of Plaintiffs' Opposition to Chart's Motion for Summary Judgment; and
- 8 ➤ Certain exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs'  
 9 Opposition to Motions to Exclude Kasbekar, Wininger and Grill and to Motion for  
 10 Summary Judgment, including those listed after paragraph 5 below.

11 2. On November 5, 2020, the Court entered the Parties' second Amended Stipulated Protective  
 12 Order, under which a party or non-party may designate information or items that it produces or  
 13 discloses in response to discovery as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL –  
 14 ATTORNEYS' EYES ONLY." (ECF No. 598, ¶ 5.2.) Paragraph 12.3 of the Stipulated Protective  
 15 Order prohibits a party from filing in the public record any Protected Material without written  
 16 permission from the Designating Party or a court order secured after appropriate notice to all interested  
 17 persons. (*Id.* ¶ 12.3).

18 3. The following portions of **Plaintiffs' Opposition to Chart's Motions to Exclude**  
 19 **Kasbekar, Wininger and Grill** quote, reference, or otherwise rely on documents designated as  
 20 "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the  
 21 Second Amended Stipulated Protective Order.

Page	Line(s)	Designating Entity
3	14 - 19	Chart
5	2 - 3	Chart
5	7 - 17	Chart
5	Image	Chart
6	1 - 11	Chart
6	20 - 28	Chart
7	1 - 2	Chart
7	12 - 16	Chart
7	Images	Chart

Page	Line(s)	Designating Entity
8	4 - 18	Chart
8	28	Chart
9	1 - 15	Chart
9	25 - 28	Chart
9	Image	Chart
12	14 - 15	Chart
16	1	Chart
16	3 - 4	Chart
16	26 - 28	Chart
17	1 - 8	Chart
17	18 - 24	Chart
18	1 - 3	Chart
18	20 - 25	Chart
19	4 - 5	Chart
19	14 - 28	Chart
21	11 - 25	Chart
21	27 - 28	Chart
22	1 - 12	Chart
22	15 - 19	Chart
23	9 - 18	Chart
26	2 - 4	Chart

4. The following portions of **Plaintiffs' Opposition to Chart's Motions for Summary**

**Judgment** quote, reference, or otherwise rely on documents designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order.

Page	Line(s)	Designating Entity
2	10-14	Chart
2	21-25	Chart
2	27-28	Chart
4	13-16	Chart
6	15-20	Chart
6	25-28	Chart
7	5-12	Chart
8	18-19	Chart
8	Image at bottom right	Chart
10	1-10	Chart
10	14-26	Chart
11	11-20	Chart
11	28	Chart

Page	Line(s)	Designating Entity
11	Image	Chart
12	1-23	Chart
12	27-28	Chart
12	Image	Chart
13	1	Chart
14	9-11	Chart
14	13-18	Chart
14	21-27	Chart
15	1-14	Chart
15	18	Chart
15	26-27	Chart
16	1-2	Chart
16	8-12	Chart
21	16-18	Chart
21	25-26	Chart
24	7-8	Chart
24	10	Chart
26	11-13	Chart
27	5-7	Chart
28	13-15	Chart
30	25-28	Chart
31	1-3	Chart
31	6-7	Chart
31	25-28	Chart
32	1-2	Chart
32	4-10	Chart

5. The following **exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Opposition to Motions to Exclude Kasbekar, Wininger and Grill and to Motion for Summary Judgment** quote, reference, or otherwise rely on documents designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order.

Exhibit	Document Description	Portions to be Sealed	Designating Entity
1	11/06/20 Report of A. Kasbekar, as amended on 11/30/20	Figures 1-74 p.5, sentence 4 p.6, first 4 lines p.6-7, full ¶ spanning pages p.6, first full ¶ pp.10-35	Chart

Exhibit	Document Description	Portions to be Sealed	Designating Entity
		p.36, all but last two lines p.37, first full ¶ p.37-38, ¶ spanning pages pp.38-57 pp.59-61 p.62, first two lines	
2	11/06/20 Report of E. Leaphart	p.1, Summary of Opinions, No. 1-4 p.7 (excluding ¶1) p.8, 4.1, ¶¶2-5 pp.10-32 p.35, ¶¶6.1, 6.2 p.36, ¶¶ 6.3, 6.4 p.38, ¶1	Chart
3	11/24/20 J. Cauthen Deposition Excerpts	In full	Chart
5	11/20/20 Supplemental Report of F. Miller	p.4, ¶III.E(3) pp.6-7, ¶IV.B p.8, section V pp.12-22, ¶VI.B (incl. Figures 4-13) p.23, section VIII	Chart
6	11/06/20 Report of R. Parrington	In full	Chart
7	11/25/20 A. Kasbekar Deposition Excerpts	26:18 – 32:10 37:8-12 51:22 – 55:25	Chart
8	12/13/2019 A. Kasbekar Deposition Excerpts	67:24-25 93:1 – 94:25	Chart
9	11/16/20 R. Parrington Deposition Excerpts	82:21 – 83:6 83:10 – 85:3 91:1-4 92:4-9 97:23-24 102:24 – 103:1 111:12-23 114:23-25 140:4-19 140:23-24	Chart
10	CHART070444	In full	Chart
12	12/04/20 Rebuttal Report of R. Parrington	In full	Chart
13	12/04/20 Rebuttal Report of A. Kasbekar	pp.1-18 Figures 1-7	Chart
15	11/30/20 D. Wininger Deposition Excerpts	37:1-4 37:22-24	Chart
16	11/23/20 G. Centola Deposition Excerpts	In full	Chart

DECLARATION OF AMY M. ZEMAN IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL  
CASE NO. 3:18-cv-01586-JSC

<b>Exhibit</b>	<b>Document Description</b>	<b>Portions to be Sealed</b>	<b>Designating Entity</b>
17	11/06/20 Report of E. Grill, as amended on 11/19/20	Plf. names at pp.1-3, 20-54, Exhibit A	Plaintiffs
18	12/11/20 A. Lawson Deposition Excerpts	115:14 (Plf. Name)	Plaintiffs
22	12/01/20 F. Miller Deposition Excerpts	In full	Chart
23	12/15/20 A. Kasbekar Deposition Excerpts	In full	Chart
27	CHART050770	In full	Chart
28	12/04/20 Report of A. Lawson	Plf. names at pp. 3, 8-9, 11, and 18	Plaintiffs
35	01/23/20 J. Brooks Deposition Excerpts	In full	Chart
41	01/14/20 J. Junnier Deposition Excerpts	In full	Chart
42	CHART034331-33	In full	Chart
43	CHART051322-30	In full	Chart
44	CHART062204-13	In full	Chart
45	CHART070695-701	In full	Chart
46	CHART008310-20	In full	Chart
48	02/06/20 K. Gustafson Deposition Excerpts	In full	Chart
50	02/18/20 R. Gonzalez Deposition Excerpts	In full	Chart
51	CHART004576-79	In full	Chart
53	CHART070093	In full	Chart
54	EXTRON000225-30	In full	Extron
55	CHART033664-65	In full	Chart
56	CHART08978-79	In full	Chart
57	EXTRON004150-51	In full	Extron
58	CHART017944-47	In full	Chart
59	CHART038721-25	In full	Chart
60	CHART002854-55	In full	Chart
61	02/20/20 B. Wade Deposition Excerpts	104:21 – 105:25 127:4-12	Chart
62	CHART028403-05	In full	Chart
63	CHART020048-53	In full	Chart
64	CHART007923-25	In full	Chart
65	11/06/20 Report of N. Jewell	Tables at pp.9, 13, 14, 19, 23, 27, 28, 33, 38, 40, 42-43, 45-46, 48-49, 51, 54, 58, 61, 63, 66 ¶¶ 31-44, 46-55, 57-69, 71-78, 80-84, 86-89, 91-111, 113-139 Fns. 6, 11-13, 15, 18-21, 23-25, 27-28, 30-34, 36-40, 42-45, 47, 49-50, 52-53, 55-56, 58-62, 64-77, 79-88	Pacific MSO
68	11/06/20 Report of S. Somkuti, as amended on 11/16/20	p.2, V (Plf. Names) p.3, ¶1 (Plf. Names) pp.12-13, ¶29	Plaintiffs (for names)

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Exhibit	Document Description	Portions to be Sealed	Designating Entity
		p.14-22 and ii-iii (Plf. Names, initials, and delivery dates)	Pacific MSO (pp.12-13, ¶29)
69	11/06/20 J. Cauthen Deposition Excerpts	p.4, "Findings," No. 1-4 pp.8-12, ¶II.A p.23, "Conclusion," No. 1-4	Chart
70	10/05/20 B. Ingram Deposition Excerpts	65:16 - 67:25	Chart
74	11/18/20 E. Leaphart Deposition Excerpts	76:10-25	Chart
75	CHART015541-43	In full	Chart
76	CHART058287-93	In full	Chart
78	CHART031817	In full	Chart
79	PFC_000027-36	In full	PFC

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th day of January 2021, in San Rafael, California.

/s/Amy M. Zeman

Amy M. Zeman

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2021, I electronically filed the forgoing with the Clerk of Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

Dated: January 29, 2021

/s/Amy M. Zeman  
Amy M. Zeman